PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. S.D. 5432—C. 70-52-11, dated Bangalore, 17th November 1952.

THE PADDY ACQUISITION (HARVEST) ORDER, 1952.

In exercise of the powers conferred by sub-sections (1) and (2) of Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946) read with the Government of India, Ministry of Food, Notification No. S.R.O. 703, dated 4th October 1950 as amended by Notification No. CG. 603 (3)/XXI (1), dated 21st July 1951, and with the previous concurrence of the Central Government, the Government of Mysore are pleased to make the following Order :—

Short title.

1. This Order may be called the Paddy Acquisition (Harvest) Order, 1952.

Extent and commencement.

2. It extends to the whole of the State of Mysore, and shall come into force at once.

Definitions.

3. In this order, unless there is anything repugnant in the subject or context,—

(*a*) "Amildar" includes a Special Sheristedar, a Special Officer appointed for the acquisition of paddy and any officer not below the rank of a Taluk Sheristedar ; and "Taluk" includes a sub-taluk.

(*b*) "Holder" includes a tenant, lessee and a person having such an interest in land on which paddy is grown, as will entitle him to a share of the produce of such land, and includes also persons or institutions having such interests.

(*c*) "Paddy" includes standing crops, crops reaped rice and other derivatives of paddy.

(*d*) "Surplus Holder" means a Holder who has been declared to be a surplus holder under clause 7 of the Articles of Food Acquisition (Harvest) Order, 1949, during

any of the previous years and required to deliver to the Government not less than 25 seers of paddy, and such holders as may become surplus holders under clause 6 (iii).

(*e*) "Agricultural Operation" means ploughing, manuring, sowing, weeding, reaping and other such operations connected with the business of raising or tending or gathering of crops of paddy on land on which such crops are grown.

(*f*) "Village" means a local area recognised by Government as a village for purposes of collecting the land revenue and includes a *dakhle* village and an alienated village.

(*g*) "Chavadi" means and includes the village "chavadi" where one exists, and in respect of "becharak" and other villages not having a "chavadi" such other place as may be specified by the Amildar of the taluk as the "chavadi" for the purposes of this Order.

Possession, sales and other transactions.

4. (i) No person, whether a holder or otherwise, who has in his possession or under his control, in any place within Mysore, any paddy whether grown on lands of which he is the holder, or otherwise, shall sell, or otherwise dispose of, or move, cause or permit to be moved, or use or conserve such paddy except as provided for in this order.

(ii) Subject to the provisions of this order and except with the permission of the Government, no person shall purchase, acquire, receive or come into possession in any manner whatsoever of any paddy:

Provided that this sub-clause shall not apply to the purchase, acquisition or receipt of paddy from the Government or to the purchase from any person or authority duly authorised by Government to sell such paddy.

Provided further that when a Holder dwells in an area where rationing of foodgrains is in force and where the holder himself does not actually cultivate the lands, the quantity of paddy allowed to be retained or possessed for use by the holder for his *bona fide* purposes shall be limited to 12 ozs. of rice per day for every person except children below 8 years of age who will receive half the quantity.

(iii) Paddy, if sold, shall be sold only to Government. Sales or other alienations otherwise than to Government or to any agent appointed by Government are hereby prohibited, and such transactions, if made, shall be null and void.

5. Persons who are not holders shall be allowed to retain or possess for their *bona fide* use such quantities of foodgrains as are allowed on ration cards or any other documents which are in force in the areas in which they reside or in which such foodgrains are kept. Non-holders.

6. (i) The quantity of paddy to be delivered by every surplus holder shall be determined by the Amildar of the Taluk and shall be the average of the assessed and surrendered surpluses in respect of such holder in the previous years less ten per cent of such average. Determination of paddy to be delivered by surplus holders.

(ii) Every surplus holder shall deliver to Government the quantity of paddy determined by the Amildar under sub-clause (i) within a month from the date of harvesting the crop. Such delivery shall be made at the nearest purchase depot in his locality and a receipt obtained therefor in the appended Form A.

(iii) A register in Form B called the Register of Surplus Holders shall be maintained in respect of every village in duplicate, one copy being maintained by the Village Shanbhog and the other in the Taluk Office. This register should be examined from time to time and revised so as to include new surplus holders who become liable to deliver paddy to Government and to remove such holders as become incapable of delivering paddy to Government due to transfer of lands from one person to another, increase or decrease in the extent and yield of the holding and such other reasons which may be considered valid by the Amildar.

(iv) A list of names of surplus holders of each village, the quantity of paddy to be delivered by each of them, and the time within which and the name of the depot at which the paddy is to be delivered, shall be published in the chavadi of the village and also by beat of *tom tom* in the village. On such publication, the quantity of paddy determined under sub-clause (i) shall vest in Government free from all encumbrances.

7. Any person aggrieved by an order under sub-clause (i) of clause (6) may apply to the Amildar for review of the order within one month from the date of publication under sub-clause (iv) of clause 6. Such application may be made to the Amildar through the Revenue Inspector. Review.

8. (i) On an order passed by the Amildar under clause 7, an appeal shall lie to the Sub-Division Officer Appeals.

provided such appeal is presented within 15 days from the date of the order.

(ii) The Deputy Commissioner, may *suo moto* or on the application of any aggrieved person, call for the records from the Amildar or the Sub-Division Officer and pass such orders thereon as he deems fit. The Order of the Deputy Commissioner shall be final.

(iii) When a review petition under clause 7 or an appeal under this clause, is presented, the holder shall deliver the uncontested portion of paddy and file a delivery receipt in respect of the same along with his review or appeal petition. No review or appeal petition shall be entertained if it is not accompanied by such a receipt.

(iv) In cases where the entire demand is contested, or a portion of the demand is contested, the entire quantity demanded or the balance of paddy after delivery to the Government of the uncontested portion, as the case may be, shall be taken over by the Amildar, or other officer authorised by him in this behalf, and left in the custody of the Patel who shall act as a receiver pending decision of the appeal.

Obtaining of information.

9. For the purposes of this order, every holder of land and every person in possession of any information relating to any land, or paddy grown thereon, or the yield thereof, or information regarding storage, movement, sales or other transaction relating to paddy, shall when so required by any Officer referred to in Schedule I furnish such information to him.

Power of entry for obtaining information.

10. Any Officer of the Revenue or Food Department.—

(*a*) may enter upon and inspect any land on which paddy crops are grown or threshed or stored, and take such action as may be necessary to determine the yield thereof;

(*b*) may enter upon and inspect any building or place where paddy is stored or stocked or warehoused.

Delivery.

11. (i) The quantity of paddy as determined in the above manner shall be delivered within the specified period by the holder at the Government Purchase Depot notified in the demand lists published at the "chavadi" in accordance with sub-clause (iv) of clause 6 or which may be notified hereafter from time to time.

(ii) The Deputy Commissioners of Districts may, within their jurisdictions and with the approval of the Director of Food Supplies in Mysore, open additional depots when necessary or abolish any of the purchase depots notified when no longer required, duly notifying the addition or the abolition in the *Mysore Gazette*, the consequential vacancies being notified by the Amildar in the "chavadi".

Precautionary measures.

12. (i) In Order to secure the delivery of paddy to the Government, notwithstanding anything contained in this Order, it shall be lawful for the Amildar :—

(*a*) to require that the crop growing on any land on which the surplus has not yet been assessed or recovered shall not be reaped until a notice in writing has first been given to himself or to some other officer authorised by him in this behalf, and such notice has been returned endorsed with an acknowledgment of its receipt ;

(*b*) to direct that no such crop shall be removed from the land on which it has been reaped, or from any place in which it may have been deposited, without the written permission of himself or of some other officer as aforesaid ;

(ii) The order of the Amildar under paragraph (*a*) or paragraph (*b*) of sub-clause (i) may be issued either generally to all the holders of land in a village or to individual holders.

If the order is of a general nature, it shall be made known by beat of *tom tom* in the village and by affixing a copy of the order in the "*chavadi.*" If the order is addressed to individual holders, a notice thereof shall be served on each such holder.

(iii) The Amildar shall not defer the reaping of the crop or prolong its deposit unduly so as to damage the produce, and if the holder does not get orders within 20 days after his application has been presented to the Amildar for reaping and removing the crop, the holder shall be at liberty to reap and harvest the crop as if the permission had been granted by the Amildar.

(iv) If, after the crop has been deposited, the holder does not have the crop threshed within a month after permission and deliver the quantity of paddy demanded

under sub-clause (i) of clause 6, the Amildar shall have it threshed at the cost of the holder and after retaining the quantity demanded, deliver the balance to the holder.

Receipt obtained by tenant or lessee.

13. A receipt obtained by a tenant or lessee from any Government depot in accordance with the provisions of this Order for delivery of the paddy due by his landlord or superior holder shall be a valid discharge *vis, a vis* such landlord or superior holder, and no suit by the landlord shall lie against the tenant for recovery of the paddy so delivered.

Entry and seizure of paddy vesting in Government.

14. Any Revenue or Food Department Officer not below the rank of a Revenue Inspector, and any Police Officer not below the rank of a Jamedar, shall have power to enter upon any land, place, building or vehicle and seize any paddy which has been sold or removed or disposed of in contravention of this Order, or which having vested in, or being at the disposal of Government, has not been delivered to Government in accordance with the provisions of this Order.

Price.

15. (i) The holder shall be paid for paddy delivered to Government at the prices mentioned in Schedule II except in cases provided in clause 12 of clause 14. Such payment may be made by the Amildar, or any other person appointed by Government in this behalf.

(ii) In respect of paddy delivered by a tenant, lessee or any other person on behalf of a landlord, superior holder or any other person having an interest in the land or crop, the price or compensation therefor shall be held in deposit and be paid to such landlord, superior holder or other person, on preferring and establishing a claim.

Movement and transport.

16. (i) All movement or transport of paddy;

(*a*) from any place in the State to any place outside the State, OR

(*b*) from or into statutorily rationed areas; OR

(*c*) through the Railway from any station in the State to any other Station in the State, is prohibited, except when such movement is authorised by a permit issued for the purpose by a competent authority appointed by Government:

Provided that, nothing in this sub-clause, shall apply to the movement or transport of paddy;

(1) on Government account; or

(2) from one rationed area to another rationed area or from any non-rationed area to a rationed area within the State of paddy or rice not exceeding 10 seers of paddy or 5 seers of rice per adult and 5 seers of paddy or 2½ seers of rice per child below eight years of age for *bona fide* personal consumption; or

(3) under and in accordance with (*a*) Military Credit Notes, or (*b*) a Certificate issued by the appropriate Military Authority to a person in the Armed Forces of the Union on leave:

Provided, further, that a holder of land situated in the Mysore State but residing in the Madras State, may transport on a permit to be issued by the Deputy Commissioner of the District in which such land is situate, such quantity of paddy from out of the yield of the land as is required for one year or until the next harvest, whichever is earlier, for *bona fide* consumption of the family of the holder, as certified by the authority concerned who has jurisdiction over the place in which the holder resides subject to the condition that he has surrendered to Government the entire quantity of paddy as determined under Clause 6.

(ii) Subject to the provisions of sub-clause (i) all movement or transport of paddy from any place to any other place in the State is prohibited, during such period of acquisition of paddy not exceeding three months as the Deputy Commissioner may for any local area notify in this behalf, except when such movement or transport is—

(*a*) in respect of 20 seers of paddy or 10 seers of rice, or

(*b*) authorised by a permit issued for the purpose by a competent authority appointed by the Government:

Provided that nothing in this sub-clause shall apply to the movement or transport of paddy from the holding to the residence or store of the holder of the land or to a rice mill for hulling paddy for domestic purposes, except in cases where such movement or transport has been prohibited by the Amildar under the provisions of clause 12.

Repeal and Savings.

17. The Articles of Food Acquisition (Harvest) Order, 1949, published under Notification No. S.D. 4054—C. 73-49-4, dated 21st November 1949, as amended from time to time, is hereby repealed. But such repeal shall not—

(*a*) affect any right, privilege, obligation or liability acquired, accrued or incurred thereunder; or

(*b*) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any of its provisions; or

(*c*) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Order had not been passed.

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SCHEDULE I.

Officers authorised to obtain information.

(Under Clauses 9 and 10).

1 Village Officers.

2 All Officers of Food and Revenue Departments.

3 Other Officers specially authorised by the Deputy Commissioners within their Districts.

SCHEDULE II.

Purchase prices of paddy.

	Per palla of 100 seers Rs.	a.	p.
Paddy I Quality	25	0	0
Paddy II Quality	23	0	0

Note:—(1) The purchase prices given above are payable for the delivery of the grain at the depots to be notified in the "Chavadi" of the village.

(2) For the grains delivered at the village where they are produced, if there should be no authorised depot at such village and if the grain is accepted as a special case, the price paid will be eight annas less per palla.

(3) If the grain delivered contains chaff and impurities, the party delivering it will be required to clean it at his cost. Payment will be made only for the cleaned grain. If the party does not clean it, this will be got done at his cost.

The following are the kinds of paddy grouped under the varieties :—

I QUALITY.

1 Coimbatore Sanna
2 Nagapur Sanna
3 Rajabhoga
4 Alur Sanna
5 Brahmasala
6 Bangarakaddi
7 Ratnachudi
8 Kadur Sanna
9 Bangara Theegai
10 Sakalathi Sanna
11 Kempu Sanna
12 Gunsale
13 Salem Sanna
14 Garuda Kembuthi (grown in Mandya District)
15 Ballari Sanna (grown in Bagepalli Taluk in Kolar District)

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II QUALITY.

1 Mysore Kaddi
2 Maralukanthi
3 Devamallige
4 Halubbalu
5 Ramasagara
6 Hassan Dappa
7 Dabbanasala
8 Farm Kaddi
9 Kari Bhatha
10 Bangar Bili Byra Bhatha
11 Ballari Bhatha
12 Chintamani Sanna
13 Kembuthi (of Mysore and Hassan yielding white rice)
14 Salu Bhatha
15 Sampigedala Bhatha
16 Nallur Sanna
17 Garike Sanna
18 Kyasari
19 Chippiga
20 Hasade
} of Hassan and other Malnad Districts yielding white rice.
21 Puttabhatta
22 Hunase Hubu Bhatha
23 Karu
24 Malnad Gidda
25 Bagade
26 Chippiga
27 Kembuthi
28 Kyasari
29 Halmaradi
30 Hasadi
31 Dodda Byra Bhatta
32 Karusambla
33 Kodothi Sanna
34 Jungu
35 Mullubhatta
36 Togarsi

FORM A. (*Vide* CLAUSE 6 II).

.....Village.....Hobli.....Taluk.

1	Name...	.....
2	The quantity of foodgrains to be delivered to Government	Paddy Pallas Seers
3	The quantity delivered to Government Depot. Name of the Depot ...	.....
	Date of delivery	.....
	Quantity delivered	Paddy Pallas Seers
4	Receipt No.	.....
	Cost of paddy	Rs. As. Ps.
	Date of payment	... .
	Signature of the Officer making payment.	.....

Date.....

.....Taluk Amildar.

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FORM B. (*Vide* CLAUSE 6 III)

Levy Register under the Paddy Acquisition (Harvest) Order, 1952.

.....Village.....Hobli.....Taluk

1 Serial Number.....

2 Name of surplus Holder.....

3 The quantity of foodgrains assessed and surrendered by the holder during previous years.....

	Year	*Quantity assessed*	*Quantity surrendered.*
Paddy ...	1947	.....	.....
	1948	.....	.....
	1949	.....	.....
	1950	.....	.....
	1951	.....	.....

4 Quantity to be delivered to Government by the holder during the current harvest.....

Paddy..... Pallas..... Seers.....

Shanbhog..... ..... Revenue Inspector..... Amildar..... .....

By Order and in the name of Rajapramukh,

N. PUTTARANGASWAMY,
Chief Secretary to Government.